

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

APRIL DEBOER, *et al.*,

Plaintiffs,

-vs-

ED Mi #12-civ-10285

Hon. Bernard A. Friedman

RICHARD SNYDER, *et al.*,

Defendants.

\_\_\_\_\_ /

STIPULATION FOR ENTRY OF PROTECTIVE ORDER

Now come the parties, by and through their respective attorneys, and stipulate to the entry of a protective order, a copy of which is attached, as set out herein and for the reasons stated below:

1. The State Defendants have requested discovery of an unpublished article authored by Professor Michael Rosenfeld, one of Plaintiffs' expert witnesses. The working title of the article is "Family Structure or Family Stability: Revisiting the Data from the New Family Structures Study".
2. Prof. Rosenfeld has asserted a proprietary interest in the article that will be harmed in the event it is publicly disseminated prior to publication.
3. The State Defendants maintain that disclosure of the article to them is necessary in order for them properly to prepare for trial; Plaintiffs are

prepared to waive any objection to disclosure of the article to the State Defendants provided that disclosure is limited as set out below –

- a. The Defendants, their attorneys and agents and their expert witnesses are subject to the order and may only use the article for purposes of the instant litigation and only subject to this Court's orders;
- b. The Defendants and their attorneys may disclose copies of the article to their previously identified expert witnesses but only on the condition that prior to disclosure, the Defendants' expert witnesses agree in writing, copies of which are provided to Plaintiffs' counsel, that they (1) will use the article solely for purposes of this litigation and not for any other purpose, (2) will not duplicate the article in whole or in part by any means or manner, (3) they will not disclose the article by any means, in whole or in part, to any person not authorized by this Court to receive same, and (4) will promptly return all copies of the article to Plaintiffs' counsel immediately following the conclusion of the trial. The trial shall be deemed to be concluded following the conclusion of closing arguments and/or the submission of proposed findings of fact and conclusions of law, whichever occurs later; and
- c. While the parties are not in agreement as to the admissibility of the article into evidence, in the event the article is admitted into evidence it shall be admitted under seal pending further order of this Court.

IT IS SO STIPULATED.

s/Kristin M. Heyse

KRISTIN M. HEYSE P64353  
Assistant Attorney General  
Attorneys for State Defendants  
Health, Education and Family  
Services Division  
P.O. Box 30758  
Lansing, MI 48909  
(517) 373-7700

s/ Michael L. Pitt

MICHAEL L. PITT P24429  
Attorney for Defendant Brown  
117 West Fourth Street, #200  
Royal Oak, MI 48067  
(248) 398-9800

s/Carole M. Stanyar

CAROLE M. STANYAR P34830  
Attorney for Plaintiffs  
221 N. Main Street, Suite 300  
Ann Arbor, MI 48104  
(313) 819-3953  
cstanyar@wowway.com

s/ Dana Nessel

DANA M. NESSEL P51346  
Attorney for Plaintiffss  
645 Griswold Street, #4300  
Detroit, MI 48226  
(313) 556-2300  
dananessel@hotmail.com

Of counsel for Plaintiffs:

s/Robert A. Sedler

ROBERT A. SEDLER P31003  
Wayne State University Law School  
471 W. Palmer Street  
Detroit, MI 48202  
(313) 577-3968  
rsedler@wayne.edu

s/ Kenneth M. Mogill

Kenneth M. Mogill P17865  
MOGILL, POSNER & COHEN  
27 E Flint Street, 2<sup>nd</sup> Floor  
Lake Orion, MI 48362  
(248) 814-9470  
kmogill@bignet.net

Dated: January 30, 2014

**CERTIFICATE OF SERVICE**

Carole M. Stanyar hereby certifies that a copy of this Stipulation and order was served on all parties of record per the ECF filing rules on January 30, 2014.

/s/Carole M. Stanyar

Carole M. Stanyar P34830

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

APRIL DEBOER, *et al.*,

Plaintiffs,

-vs-

ED Mi #12-civ-10285

Hon. Bernard A. Friedman

RICHARD SNYDER, *et al.*,

Defendants.

---

**PROTECTIVE ORDER REGARDING EXPERT ROSENFELD**

This Court having considered a stipulation of the parties regarding an unpublished article authored by Professor Michael Rosenfeld entitled “Family Structure or Family Stability: Revisiting the Data from the New Family Structures Study”, and being fully advised in the premises of said stipulation, it is hereby ordered as follows:

1. The Defendants, their attorneys and agents and their expert witnesses are subject to the order and may only use the article for purposes of the instant litigation and only subject to this Court orders;

2. The Defendants and their attorneys may disclose copies of the article to their previously identified expert witnesses but only on the condition that prior to disclosure, the Defendants' expert witnesses agree in writing (copies of which are provided to Plaintiffs' counsel), that they (1) will use the article solely for purposes of this litigation and not for any other purpose, (2) will not duplicate the article in whole or in part by any means or manner, (3) they will not disclose the article by any means, in whole or in part, to any person not authorized by this Court to receive same, and (4) will promptly return all copies of the article to Plaintiffs' counsel immediately following the conclusion of the trial. The trial shall be deemed to be concluded following the conclusion of closing arguments and/or the submission of proposed findings of fact and conclusions of law, whichever occurs later; and

3. While the Court understands that the parties are not in agreement as to the admissibility of the article into evidence, in the event the article is admitted into evidence it shall be admitted under seal pending further order of this Court.

IT IS SO ORDERED.

Date: February 4, 2014

s/ Bernard A. Friedman

HONORABLE BERNARD A. FRIEDMAN

United States District Judge

